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15 *Attorneys for Defendant Google LLC*

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

19 CHASOM BROWN, WILLIAM BYATT,
20 JEREMY DAVIS, CHRISTOPHER
21 CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
22 situated,

23 Plaintiffs,

24 v.

25 GOOGLE LLC,
26 Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**DECLARATION OF JONATHAN TSE IN
SUPPORT OF JOINT SUBMISSION IN
RESPONSE TO DKT. 238, 247 RE:
SEALING PORTIONS OF AUGUST 12,
2021 HEARING TRANSCRIPT**

Referral: Hon. Susan van Keulen, USMJ

1 I, Jonathan Tse, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney with Quinn
3 Emanuel Urquhart & Sullivan, LLP, attorneys for Defendant Google LLC (“Google”) in this action.
4 I make this declaration of my own personal, firsthand knowledge, and if called and sworn as a
5 witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of the parties’
7 Joint Submission re: Sealing Portions of the August 12, 2021 Hearing Transcript (“Transcript”). In
8 making this request, Google has carefully considered the relevant legal standard and policy
9 considerations outlined in Civil Local Rule 79-5. Google makes this request with the good faith
10 belief that the information sought to be sealed consists of Google’s confidential and proprietary
11 information and that public disclosure could cause competitive harm.

12 3. Google respectfully requests that the Court seal the redacted portions of the
13 Transcript, attached hereto as Exhibit A.

14 4. The information requested to be sealed contains Google’s highly confidential
15 technical information regarding the various types of Google’s internal data structures, internal
16 identifiers and their proprietary functions, that Google maintains as confidential in the ordinary
17 course of its business and is not generally known to the public or Google’s competitors. The
18 information also includes plaintiff health information that should remain private and confidential.

19 5. Such confidential information reveals Google’s internal strategies, system designs,
20 and business practices for operating and maintaining many of its important services and products,
21 and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2-
22 3.

23 6. Public disclosure of such confidential information could affect Google’s competitive
24 standing as competitors may alter their identifier system designs and practices relating to competing
25 products. It may also place Google at an increased risk of cyber security threats, as third parties may
26 seek to use the information to compromise Google’s identifier systems.

27 7. On August 24 and 25, 2021, the parties conferred on the proposed redactions to the
28 Transcript. Plaintiffs **support** and **jointly move for** sealing of the two-word redactions on page 53

1 line 23 of the Transcript. Plaintiffs take **no position** but do **not oppose** sealing the proposed
2 redactions on page 12 lines 23-24 (starting with “we”) and page 14 line 3. Plaintiffs **oppose** the
3 redactions page 12 lines 22-23 (from “how” through “content”).

4 8. For these reasons, Google respectfully requests that the Court order the identified
5 portions of the Transcript to be sealed.

I declare under penalty of perjury of the laws of the United States that the foregoing is true
and correct. Executed in San Francisco, California on August 25, 2021.

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9 | DATED: August 25, 2021

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

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By /s/ Jonathan Tse
Jonathan Tse

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Attorney for Defendant

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